

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: DITROPAN XL ANTITRUST
LITIGATION

CASE NO. M:06-CV-01761-JSW

MDL No. 1761

This Order Relates to:

ALL CASES

**ORDER OF DISMISSAL RE
DIRECT PURCHASER'S ACTION**

On October 11, 2007, this Court issued an order dismissing American Sales Company's ("ASC") second amended class action complaint. The Court dismissed ASC's complaint against Ortho-McNeil Pharmaceutical, Inc. with prejudice, but provided ASC leave to amend to plead facts to show it could bring an antitrust claim against Alza Corporation, a non-direct seller. The Court provided ASC twenty-one days to file an amended complaint and advised ASC that if it failed to file an amended complaint within this deadline, its action shall be

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1 dismissed. The twenty-one deadline has expired and to date, ASC has not filed an amended
2 complaint. Therefore, the Court HEREBY DISMISSES ASC's action.

3 **IT IS SO ORDERED.**

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5 Dated: November 14, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE